

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B 14268.3 JL		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/050212	International filing date (day/month/year) 03.06.2004	Priority date (day/month/year) 06.06.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant COMMISSARIAT A L'ENERGIE ATOMIQUE			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand		Date of completion of this report	
Name and mailing address of the IPEA/EP		Authorized officer	
Facsimile No.		Telephone No.	

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-14 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-10 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/3-3/3 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1-3, 9, 10	NO
Inventive step (IS)	Claims		YES
	Claims	4-8	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. Reference is made to the following documents in the present notification:			
D1: US-B1-6 246 068 (SATO NOBUHIKO ET AL) 12 June 2001 (2001-06-12)			
D2: WO 00/48278 A (COMMISSARIAT ENERGIE ATOMIQUE; HADJI EMMANUEL (FR); PAUTRAT JEAN LOUI) 17 August 2000 (2000-08-17)			
D3: US-B1-6 569 748 (SATO NOBUHIKO ET AL) 27 May 2003 (2003-05-27)			
2.1 INDEPENDENT CLAIM 1			
The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not meet the requirement of novelty defined in PCT Article 33(2). Document D1 describes (the reference signs between parentheses apply to this document):			
- depositing a film of a third material (film 54 in figure 5B and column 20, line 55 to column 21, line 6) on the free surface of the thick film of a first material (51 + 52 + 53),			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<ul style="list-style-type: none">- implanting gaseous species in the thick film of the first material to form a weakened area defining said thin film (56 in figure 5C and column 20, lines 35-55) between the interface and the weakened area,- attaching one of the main surfaces of a thick film (51 + 52 + 53) of the first material to the final substrate (59) via an interface (55 in figure 5D and column 20, line 55 to column 21, line 6), and- breaking the thick film of the first material and the film of the third material in the weakened area within the structure consisting of the final substrate, in order to give the substrate supporting said thin film (figure 5E and column 21, lines 9-15). <p>2.2 It should also be noted that the subject matter of claims 1 to 3, 9 and 10 is not novel over D3 (figures 3A to 3D and column 13, lines 14-30).</p> <p>3. DEPENDENT CLAIMS 2, 3, 9, 10</p> <p>These claims do not contain any features which, when combined with the features of any one of the claims to which they refer, might define subject matter that complies with the requirements of novelty of the PCT (PCT Article 33(2)) (D1, figures 5A to 5E and column 20, line 35 to column 21, lines 9-15).</p>

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
4.	<p>DEPENDENT CLAIMS 4 TO 8</p> <p>The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 4 to 8 does not involve an inventive step as defined in PCT Article 33(3). Indeed, for a person skilled in the art faced with the problem of depositing a film of material, a commonly used option is the transfer technique involving forming a weakened area as indicated, e.g., in document D2 (abstract and figures 1 to 4).</p>
5.	<p>The subject matter of claims 1 to 10 is industrially applicable (PCT Article 33(4)).</p>